

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RAUL VASQUEZ,

Plaintiff,

VS.

JAMES J. STANDLEY ATTORNEY AT LAW,

Defendant.

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Civil Action No.

FILED: APRIL 1, 2008

08CV1847

JUDGE GUZMAN

MAGISTRATE JUDGE COX

COMPLAINT

NOW COMES the Plaintiff, RAUL VASQUEZ, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, JAMES J. STANDLEY ATTORNEY AT LAW, and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the “FDCPA”), 15 U.S.C. §1692, et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq.

PARTIES

3. Plaintiff, RAUL VASQUEZ (“Plaintiff”), is an individual who was at all relevant times residing in the City of Aurora, State of Illinois.

4. At all relevant times herein, Defendant, JAMES J. STANDLEY ATTORNEY AT LAW, acted as a debt collector within the meaning of 15 U.S.C. §1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to Chase Mastercard.

5. Defendant is a law firm that has its principal place of business and its offices located in the City of Denver, State of Colorado. Defendant has conducted collections within the Northern District of Illinois.

ALLEGATIONS
COUNT I-
VIOLATIONS OF THE FDCPA v.

6. On or about March 14, 2008, Plaintiff received a telephone call from a person who identified himself as Brian Quintana stating he was calling from JAMES J. STANDLEY ATTORNEY AT LAW ("Defendant") to collect a debt owed by Plaintiff to US Bank in the amount of \$500.00.

7. The aforesaid representative of Defendant explained to Plaintiff that he was hired to file a lawsuit against Plaintiff and that the time to dispute this debt is over. It was further stated that Plaintiff would have to go to Denver, Colorado to defend himself in court.

8. Plaintiff advised Defendant that he had in the past been a victim of identity theft, assured that he had not opened this account, offered his cooperation in proving that it was not his account, and requested time to clear his name before a lawsuit would be filed.

9. The aforesaid representative of Defendant advised Plaintiff that it was too late and a decision has been made.

10. On or about March 19, 2008, Plaintiff received correspondence from Defendant advising Plaintiff of the assignment of the debt by US Bank and the intentions of collecting by

Defendant. Said correspondence provided Plaintiff notice of his right to dispute the debt, and advised Plaintiff that the balance owed was \$573.41.

11. According to the aforesaid correspondence, a portion of the balance included an attorney fee of \$55.84 which Defendant disclosed was calculated by accepting 15% of the principal and interest owed on the account to date as a fee.

12. Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. §1692 in one or more of the following ways:

- a. Threatened to take action that cannot legally or is not intended to be taken in violation of 15 U.S.C. §1692e(5);
- b. Used false, deceptive, misleading and unfair or unconscionable means to collect or attempt to collect an alleged debt in violation of 15 U.S.C. §1692e(10);
- c. Attempted the collection of any amount (including any interest, fee, charge or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law in violation of 15 U.S.C. §1692f(1);
- d. Contradicted, overshadowed and obscured the required validation/verification language required by §1692g(a) of the FDCPA by telling Plaintiff that the time for disputing had expired in violation of 15 U.S.C. §1692fg and 15 U.S.C. §1692e(10);
- e. Was otherwise deceptive and failed to comply in anyway with the Fair Debt Collection Practices Act.

13. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, RAUL VASQUEZ, by and through his attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for each violation as identified above;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY*****

Respectfully Submitted,
RAUL VASQUEZ

By: s/Larry P. Smith
Attorney for Plaintiff

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